

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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BRENDA PEREZ PANIAGUA,
et al.,

Plaintiffs,

v.

DR. JOSE R. ALVAREZ-RUIZ,
et al.,

Defendants.

CIVIL NO. 98-2318 (RLA)

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

MINUTES OF FURTHER STATUS CONFERENCE

HELD ON JANUARY 12, 2000

AND SETTING JURY TRIAL AND PRETRIAL/SETTLEMENT CONFERENCE

At the FURTHER STATUS CONFERENCE held on January 12, 2000 from 11:10 a.m. to 11:30 a.m. plaintiffs were represented by LUIS R. MELLADO, ESQ., codefendant DR. RUIZ-ALVAREZ by IVAN DOMINGUEZ, ESQ., and codefendant SIMED by HUMBERTO VAZQUEZ SANDOVAL, ESQ.

Sanctions were imposed against each attorney individually in the amount of \$150.00 for having completely disregarded their obligation to file a joint motion with their proposed discovery schedule by the November 30, 1999 deadline. The Court rejected counsel's attempt to excuse the non-compliance due to alleged difficulties in procuring a joint document. The individual attorneys had an obligation to alert the Court if that was the case.

The deadlines proposed by the parties in their Joint Informative Motion and Proposed Amended Schedule were modified by

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1 the Court.¹ The parties submitted a Depositions' Schedule which was
2 approved.²

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4 Plaintiffs' counsel requested leave to amend the complaint to
5 include additional defendants after the taking of the pediatrician's
6 deposition was **DENIED**. Nor will plaintiffs be allowed at this stage
7 of the proceedings to identify additional expert witnesses in this
8 action.

9 **JURY TRIAL**

10 **TRIAL** in this action is hereby set for **August 22, 2000 at 9:30**
11 **a.m.**

12 **PRETRIAL/SETTLEMENT CONFERENCE**

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14 A **PRETRIAL/SETTLEMENT CONFERENCE**, to be held before the
15 undersigned,³ is hereby scheduled for **August 10, 2000 at 10:30 a.m.**

16 A Proposed Joint Pretrial Order⁴ shall be filed **on or before**
17 **August 4, 2000**, and shall contain the following:

18 **I. Nature of the Case**

19 A statement of the nature of the case agreed upon by
20 all parties which shall include issues of jurisdiction. In the

21
22 ¹ See Summary of Deadlines and Settings attached herewith.

23 ² See Summary of Deadlines and Settings attached herewith.

24 ³ The parties shall contact the undersigned's chambers to
25 verify where the conference will be held.

26 ⁴ A courtesy copy to be delivered directly to the chambers of
the undersigned.

1
2 event that the parties cannot agree upon a single description,
3 separate versions shall be submitted.

4 **II. Theories of the Parties**

5 Each party shall present concisely its pertinent
6 legal theories including applicable citations to statutes and
7 caselaw. Counsel are directed to fully disclose all trial
8 issues since the Proposed Joint Pretrial Order will supersede
9 the pleadings in establishing the issues to be heard and
10 considered at trial.

11 **III. Admitted Facts**

12 The parties shall provide a comprehensive listing of
13 all admitted or stipulated facts.

14 **IV. Contested Facts**

15 The parties shall provide a listing of contested
16 facts.

17 **V. List of Exhibits**

18 This section shall contain a listing of all exhibits
19 which have been pre-marked/numbered. Each exhibit shall be
20 identified by a descriptive title as well as its identification
21 number. The parties shall indicate those exhibits, if any,
22 which are not objected to by opposing counsel.
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24
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VI. Depositions

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on February 10, 1994.

VII. Witnesses and Interpreters

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof.

Additionally, the parties shall specifically identify those witnesses who will need the services of a court-certified interpreter during trial.

VIII. Expert Witnesses and Interpreters

Each party shall list its expert witnesses and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, the report shall be submitted in conjunction with the offer of proof. Additionally, the parties shall specifically identify those experts who will need the services of a court-certified interpreter during trial.

IX. Itemized Statement of Special Damages

In anticipation that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party

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or parties not in agreement with the proposed statement shall include its/their opposition in this section.

X. Estimated Length of Trial

Parties shall indicate the estimated length of trial.

The Proposed Joint Pretrial Order may be modified by this Court only upon a showing of good cause.

STANDING ORDER

The parties shall file a TRIAL BRIEF, PROPOSED JURY INSTRUCTIONS, PROPOSED VOIR DIRE and PROPOSED VERDICT FORM⁵ no later than **August 17, 2000** in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**.

The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.⁶

IT IS SO ORDERED.

San Juan, Puerto Rico, this ^{12th} day of January 12, 2000.



RAYMOND L. ACOSTA
United States District Judge

⁵ Courtesy copies of all these documents shall be delivered directly to the chambers of the undersigned.

⁶ The parties shall furnish the undersigned an additional copy of all documents intended to be presented as evidence at trial.

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SUMMARY OF DEADLINES AND SETTINGS

1/31/2000	Deposition of DR. RAFAEL BALZAC - to be taken by defendant at JESUS MORALES, ESQ.'s office at 3:00 p.m.
2/2/2000	Deposition of DR. MANUEL GOMEZ DISDIER to be taken by defendant at JESUS MORALES, ESQ.'s office at 3:00 p.m.
2/3/2000	Deposition of DR. IVAN FIGUEROA to be taken by defendant at JESUS MORALES, ESQ.'s office at 3:00 p.m.
2/4/2000	Deposition of BRENDA MENDEZ to be taken by defendant in Orlando, Florida at 10:00 a.m.
2/5/2000	Deposition of physicians in Florida currently attending JOSHUA ALVAREZ-MENDEZ to be taken by defendant at JESUS MORALES, ESQ.'s office in Orlando, Florida in the morning.
2/14/2000	Deposition of DR. JOSE ALVAREZ RUIZ to be taken by plaintiff at LUIS R. MELLADO ESQ.'s office at 2:30 p.m.
2/19/2000	Deposition of DR. BENJAMIN S. CARLSON and DR. PAUL FISHER at John Hopkins Hospital in Maryland to be taken by defendant (Saturday).
2/21-22/2000	Deposition of DR. BRIAN CURTIS, DR. MICHAEL NORWICK and DR. JERRY PENIX to be taken at the U.S. Naval Station Hospital in Portsmouth, Virginia.
2/22/2000	Deadline for depositions of parties and fact witnesses.
2/29/2000	Deadline for plaintiffs' expert reports.
3/15/2000	Deadline for defendants to identify expert witnesses.

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3/31/2000 Deadline for minor's medical examination.

4/28/2000 Deadline for defendants' expert reports.

5/12/2000 Deadline for all experts' depositions.

8/4/2000 Deadline for filing JOINT PRETRIAL ORDER

8/10/2000 PRETRIAL/SETTLEMENT CONFERENCE at 10:30 a.m.

8/17/2000 Deadline for filing TRIAL BRIEF, PROPOSED
JURY INSTRUCTIONS, PROPOSED VOIR DIRE and
PROPOSED VERDICT FORM

**** Parties to mark evidence prior to trial

**** Parties to provide the court copy of all documents
intended to be presented as evidence at trial.

8/22/2000 JURY TRIAL at 9:30 a.m.